

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

ADAM P. JOHNSON and ASHLEY
JOHNSON
Plaintiffs

VS.

SEGWAY, INC. and NINEBOT
(CHANGZHOU) TECH CO., LTD.
Defendants

§ CIVIL ACTION NO. 2:22-CV-00081
§
§
§
§ JUDGE JAMES D. CAIN, JR.
§
§
§
§ MAGISTRATE KATHLEEN KAY

ANSWER

NOW COMES Defendant, Segway, Inc. sought to be made defendant in the above numbered and entitled cause, and who, in answer to Plaintiffs' Complaint, denies each and every allegation thereof except such as may be hereinafter expressly admitted. Further answering, defendant avers:

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

The Complaint fails to state facts which would support the venue of this Court.

THIRD DEFENSE

This Court lacks personal jurisdiction over the defendant.

FOURTH DEFENSE

This Court lacks subject matter jurisdiction over this action.

FIFTH DEFENSE

Plaintiffs' Complaint is barred by prescription.

SIXTH DEFENSE

Defendant herein reserves all of its rights to amend and/or supplement additional defenses based on discovery to be completed in this case.

SEVENTH DEFENSE

Defendant affirmatively pleads the fault of other parties for whom this Defendant herein is not liable.

EIGHTH DEFENSE

In the alternative, defendant affirmatively pleads that plaintiff, Adam Johnson, was guilty of comparative negligence and/or contributory negligence as described in the following enumerated non-exclusive particulars which defendant specifically here pleads in bar to and/or in mitigation of any right of recovery by plaintiff, Adam Johnson, herein, to-wit:

- a. In failing to see a condition in which he could and should have seen;
- b. In failing to maintain control of Segway Ninebot S-Plus;
- c. In failing to maintain a proper lookout;

- d. Careless operation; and
- e. In failing to do the things he should have done and to see the things he should have seen.

NINTH DEFENSE

In the further alternative, defendant affirmatively pleads the fault of all other responsible persons and/or parties for whom this Defendant is not legally responsible.

TENTH DEFENSE

Defendant affirmatively pleads that plaintiffs have failed to mitigate their damages.

ELEVENTH DEFENSE

Defendant affirmatively pleads all affirmative defenses as enumerated in the Louisiana Code of Civil Procedure Article 1005 as if copied herein.

TWELFTH DEFENSE

Defendant reserves the right to amend this answer to assert additional defenses as discovery progresses in this matter.

ANSWER TO COMPLAINT

AND NOW, answering with particularity the allegations of the Complaint, defendant shows that:

1.

The allegations of Paragraph 1 of the Complaint are denied.

2.

The allegations of Paragraph 2 of the Complaint are denied.

3.

The allegations of Paragraph 3 of the Complaint are denied.

4.

The allegations of Paragraph 4 of the Complaint are denied.

5.

The allegations of Paragraph 5 of the Complaint are denied.

6.

The allegations of Paragraph 6 of the Complaint are denied.

7.

The allegations of Paragraph 7 of the Complaint are denied.

8.

The allegations of Paragraph 8 of the Complaint are denied.

9.

The allegations of Paragraph 9 of the Complaint are denied.

10.

The allegations of Paragraph 10 of the Complaint are denied.

11.

The allegations of Paragraph 11 of the Complaint are denied.

12.

The allegations of Paragraph 12 of the Complaint are denied, except defendant admits that it is wholly owned by Ninebot Acquisition Corporation, registered in Delaware.

13.

The allegations of Paragraph 13 of the Complaint are denied.

14.

The allegations of Paragraph 14 of the Complaint are denied.

15.

The allegations of Paragraph 15 of the Complaint are denied.

DEMAND FOR JURY TRIAL

Defendant, Segway, Inc., requests and is entitled herein to trial by jury on all issues on any demands.

WHEREFORE, Defendant prays that its answer be deemed good and sufficient and after all due proceedings that there be judgment in favor of the Defendant and against the Plaintiffs, Adam Johnson and Ashley Johnson, dismissing the Complaint of the Plaintiffs, with prejudice and at their cost, and for all general and equitable relief. Defendant further prays for trial by jury on all issues triable by jury.

Respectfully submitted:

**CAFFERY, OUBRE, CAMPBELL &
GARRISON, L.L.P.**

Attorneys for Defendants, Segway, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has this date been filed electronically; that the Electronic Case Filing system will email a Notice of Electronic Filing to all counsel of record.

Lafayette, Louisiana, this 15th day of March, 2022.

s/Staci Knox Villemarette
STACI KNOX VILLEMARETTE